IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1358 of 1981

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PRASHANTBHAI RANCHODBHAI PATEL - Appellant(s)
Versus
SPECIAL LAND ACQUISITION. - Defendant(s)

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Appearance :

NOTICE NOT RECD BACK for Appellant(s) : 1,NOTICE UNSERVED for Appellant(s) : 1,MR PT PATEL for Appellant(s) : 1,
None for Defendant(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 01/12/2006

ORAL JUDGMENT

1. This appeal has been filed for seeking enhancement of the award made by the learned Extra

Assistant Judge, at Vadodara dated 4th November, 1980 in Reference Case No. 68 of 1976.

2. Originally it was filed by Mr. P.T. Patel learned advocate for the appellant. He has expired. This Court, therefore, issued notice by order dated 17th July, 2006 2006. It could not be served because of want of time. Hence, fresh notice was issued dated 5th September, 2006. However, it returned unserved with an endorsement of the bailiff to the effect that on 26th September, 2006, upon making inquiry of the appellant he could not be located. It also further stated that nobody was in a position to show his address.

2.1. From the aforesaid it appears that enough efforts have been made by this Court to secure presence of the appellants of this appeal or to allow them to make appropriate arrangement for engaging the advocate, but in vain. Further, cognate matter viz. First Appeal No. 1333 of 1981 has already been disposed of on merits. Hence, no useful purpose will be served by keeping this appeal pending. Thus, this appeal requires disposal on the same line, since the facts and law involved in both the appeals are common. Hence, even in absence of the appellant this appeal is disposed of on the same terms,

which are as under :-

> “The award made by the Reference Court is required to be slightly modified and the market value is required to be enhanced from Rs.33,000=00 per Hectare to Rs.45,000=00 per Hectare together with all incidental and statutory benefits including the solatium and interest. “

2.2. In case of any difficulty, liberty is reserved to the heirs of the deceased appellants to move this Court.

3. In the result, the appeal is partly allowed with no order as to costs.

4. Copy of the judgment of First Appeal No. 1333 of 1981 to be kept in this appeal.

R & P to be re-transmitted to the Reference Court forthwith.

[Akshay H. Mehta, J.]

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